

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

CARLA LEE CARR,

Plaintiff,

v.

**NANCY A. BERRYHILL, Acting
Commissioner of the Social
Security Administration,**

Defendant.

Case No. CIV-16-129-JHP-KEW


**ORDER DENYING THE REPORT AND
RECOMMENDATION OF THE UNITED STATES
MAGISTRATE JUDGE**

On August 29, 2017, the United States Magistrate Judge entered a Report and Recommendation in regard to Plaintiff's request for judicial review of the decision of the Commissioner of the Social Security Administration. The Magistrate Judge recommended that the decision of the Administrative Law Judge be reversed and remanded. The plaintiff has filed an objection to the Magistrate Judge's Report and Recommendation within the time prescribed by law. 28 U.S.C. §636(b)(1); Fed. R. Civ. P. 72(a). Because the Commissioner has filed specific written objections to the Magistrate Judge's Report and Recommendation, this court is "statutorily and constitutionally required" to undertake a *de novo* review of the issues to which the Commissioner has objected. *Summers v. State of Utah*, 927 F.2d 1165, 1167 (10th Cir. 1991) (citations omitted); *see* Fed..R.Civ.P. 72(b)(3); 28 U.S.C. §636(b). Such *de novo* review requires the court to not only review the Magistrate Judge's Report and Recommendation, but also to conduct a *de novo* review

of the relevant evidence of record and the law cited by the Commissioner. *In re Griego*, 64 F.3d 580, 584 (10th Cir. 1995).

After a *de novo* review of the record and the law cited by the Commissioner the court finds Plaintiff did not meet the disability requirements of the Social Security Act, and the Report and Recommendation of the Magistrate Judge is not supported by the record. Therefore, the court finds and orders that the Report and Recommendation entered by the United States Magistrate Judge on August 29, 2017, be **DENIED** and the decision of the Commissioner be **AFFIRMED**.

IT IS SO ORDERED this 28th day of September, 2017.


James H. Payne
United States District Judge
Eastern District of Oklahoma